

REMARKS

Administrative Overview

Claims 1–10, 12–14, 16–32, and 34–36 are pending in this application. In the Office Action mailed on June 25, 2003, claims 1, 2, 6, 8–10, 12–14, 16, 17, 19–24, 28, 30–32 and 34–36 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,157,953 to Chang et al. (hereinafter “*Chang*”) in view of U.S. Patent No. 6,141,759 to Braddy (hereinafter “*Braddy*”). Claims 3, 7, 18, 25, and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Chang* in view of *Braddy* and in further view of U.S. Patent No. 5,860,068 to Cook (“*Cook*”). Claims 4, 5, 26, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Chang* in view of *Braddy* and in further view of U.S. Patent No. 5,930,804 to Yu et al. (“*Yu*”). The Information Disclosure Statement of May 15, 2003 was said to be deficient and was not considered.

The Applicants hereby amend the claims, traverse the rejections to the extent they are maintained against the amended claims, and request reconsideration of the claims in light of the arguments below. Basis for the amendments to the claims may be found on at least page 26 of the specification and in the claims as initially filed. The Applicants submit that no new matter has been introduced by these amendments.

The Information Disclosure Statement of May 15, 2003 Complies with 37 C.F.R. 1.98(a)(2)

The information disclosure statement of May 15, 2003, was not considered and was said to have failed to comply with 37 C.F.R. 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent, each publication or that portion which caused it to be listed, and all other information or that portion which caused it to be listed.

The Applicants note that 37 C.F.R. 1.98(d) provides that copies of any patent, publication, pending U.S. application or other information listed in an information disclosure statement are required to be provided unless “the earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. § 120” and the information disclosure statement submitted in the earlier application otherwise complies with 37 C.F.R. 1.98. MPEP 609 similarly provides that information which

has been considered by the Office in a parent application will be considered when examining a continuation-in-part application filed under 37 CFR 1.53(b), and that the information need not be resubmitted unless the applicant desires the information to be printed on the patent.

This application is a continuation-in-part of U.S. patent application no. 09/252,391 (“the ‘391 application”), now issued U.S. Patent No. 6,643,690, and the declaration filed in this application claims the benefit of the ‘391 application under 35 U.S.C. § 120. The references submitted in the information disclosure statement of May 15, 2003 (AH–AM; CF–CG) were previously cited in the ‘391 application in an information disclosure statement filed on April 4, 2003 or were considered by the Patent Office in an office action mailed on April 20, 2001. The information disclosure statement of May 15, 2003 also identified the ‘391 application and its relationship to this application.

Accordingly, the Applicants submit that the information disclosure statement of May 15, 2003 complied with 37 C.F.R. 1.98(d) and MPEP 609 and requests its reconsideration. To facilitate the Examiner’s review, copies of the cited publications (CF–CG) are enclosed. Should the Examiner require paper copies of the cited U.S. patent references (AH–AM), the Examiner is asked to contact the Undersigned at the telephone number listed below.

The Claims, as Amended, are Patentable over *Chang* and *Braddy*

Claims 1, 2, 6, 8–10, 12–14, 16, 17, 19–24, 28, 30–32 and 34–36 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Chang* in view of *Braddy*. The remaining claims depend from independent claims 1, 16, and 23 and have been rejected over *Chang* in view of *Braddy* and in further view of either *Cook* or *Yu*. The Applicants respectfully submit that *Chang* and *Braddy* taken separately or in combination fail to teach all of the limitations of the pending claims, as amended, and that the proposed combination of *Chang* and *Braddy* is legally improper.

Accordingly, the Applicants traverse this rejection.

In brief overview, *Chang* provides a service manager for administering services residing on multiple service host computers:

“The management console displays the services on a selected service host ... that the user is authorized to manage by examining data in database 212. ... During this step the management console constructs a URL for each service and host that the administrator is allowed to manage. ... [T]he user selects an instance of a

service (i.e., a particular service from a service host) that the user wants to manage.”

Chang at col. 13, ln. 8–22. *Braddy* has a request broker that distributes, monitors, and manages information requests on a computer network:

“Information requests from the client computer systems to the first server computer system are intercepted and examined by a request broker system ... The request broker software system will off-load or distribute the information requests to the secondary server computer systems so as to load-balance the information requests among the secondary server computer systems.”

Braddy at Abstract.

The Applicants respectfully submit that the pending claims are patentable over *Chang* and *Braddy*, taken singly or in combination, because there are limitations in the claims absent from both references. For example, neither *Chang* nor *Braddy* teaches the transmission of output from an application program executing at a chosen server directly to a client system.

Amended independent claims 1 and 23 each recite, in part, “providing output from the application program executing at the chosen server directly to the client system for display at the client system.” Amended independent claim 16 recites, in part, “a transmitter transmitting at least one of ... the output from the application program executing at the chosen server directly to the client system for display at the client system.” Neither *Chang* nor *Braddy* teach or suggest these claim limitations.

Instead, *Braddy* teaches the provision of output from an executing application program indirectly to a client system. Specifically, *Braddy* teaches the use of a “request broker” to intermediate between the executing application server and the client:

“If the request broker software determines that the information request is to be distributed to one of the secondary server computer systems, the information request is sent to the selected server computer systems to handle the processing of the information request. ... When the information request has been processed, the results are sent back to the request broker software implemented on the first server computer system. The request broker software then sends the results of the information request to the client computer system that originated the request.”

Braddy at col. 6, ln. 61–col. 7, ln. 7; see also *id.* at col. 8, ln. 62–col. 9, ln. 2. *Chang* does not cure this deficiency, because it interposes a management console host between a user and individual service hosts and, in fact, teaches away from direct interaction with a service host:

“The enforcement process begins with a user pointing the browser host (i.e. administration console 216 of FIG. 2) to a URL of the management console host. ...

At step 808 the user selects an instance of a service (i.e. a particular service from a service host) that the user wants to manage. ... At step 810 the management console host initiates the servlet CGI component of the CGI ... by comparing the user credentials or profile against the user's authentication and access control data in the database. This verification is performed before a connection is made to the service host by servlet CGI 224 as an extra precaution against users trying to manage services on that service host without going through management console host 208.”

Chang at col. 12, ln. 62–64, col. 13, ln. 21–35.

Moreover, the combination of *Chang* and *Braddy* cannot establish a *prima facie* case of obviousness because the proposed combination would change the principle of operation of each of the references:

“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”

MPEP 2143.01.

The portion of *Chang* relied upon in the rejection states, “At step 808 the user selects an instance of a service (i.e. particular service from a service host) that the user wants to manage. A service can reside on several different service hosts so the user must choose an instance of a service from a particular service host.” *Chang* at col. 13, ln. 21–25. That is, *Chang* establishes that a user must manually select an instance of a service from a particular service host if the service resides on several different service hosts.

Braddy teaches the selection of a service host for the execution of a program, but that selection process is automatic. Therefore, the substitution of the automatic selection of a service host as taught by *Braddy* into the invention of *Chang* would change the principle of operation of *Chang*. Under the standard articulated in MPEP 2143.01, the combination of *Chang* and *Braddy* (or *Chang* and any other reference teaching the automatic selection of a service host, for that matter) cannot render the present claims obvious because the combination would change the principle of operation of *Chang*.

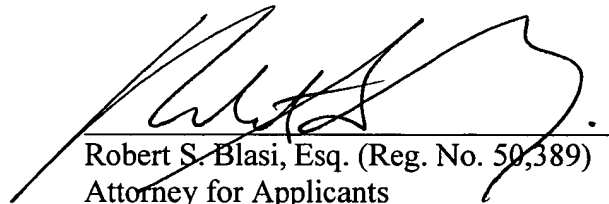
Accordingly, the Applicants submit that independent claims 1, 16, and 23, and the remaining claims which depend therefrom, are patentably distinct from *Chang* and *Braddy* because these references cannot be properly combined and, when taken either alone or in combination, the cited references do not teach or suggest all of the limitations of the Applicants' claimed invention.

For these reasons, the Applicants respectfully request reconsideration and the withdrawal of the rejections.

CONCLUSION

In light of the foregoing, the Applicants respectfully submit that all of the pending claims are now in condition for allowance. Accordingly, the Applicants respectfully request reconsideration, the withdrawal of all grounds of rejection, and the allowance of all pending claims in due course. If the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,



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